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7 MV TRANSPORTATION, INC.

8
9 UNITED STATES DISTRICT COURT
10
11 DISTRICT OF NEVADA

12 ROBBIE HARRIS, an individual,

13 Plaintiffs,

14 vs.

15 AMALGAMATED TRANSIT UNION
16 INTERNATIONAL (“ATU”) LOCAL
1637, a nonprofit corporation; MV
TRANSPORTATION, INC., a for profit
corporation; DOES 1-20; and ROE
17 CORPORATIONS 1-20, inclusive,

18 Defendants.

Case No. 2:19-cv-01537-GMN-EJY

**STIPULATION TO EXTEND DISCOVERY
DEADLINES (THIRD REQUEST)**

19 Pursuant to LR IA 6-1, 6-2, and LR 26-3, Plaintiff and Defendant MV Transportation, Inc.
20 (“MVT”)¹, by and through their respective counsel of record, have agreed to extend the time for
21 discovery by one hundred twenty (120) days, from November 17, 2021 to February 17, 2022 and
22 modify the Discovery Plan and Scheduling Order (ECF No. 57) accordingly. This is the third request
23 for extension to the Discovery Plan and Scheduling Order in this matter. The requested extension is
24 sought in good faith and not for purposes of undue delay. This request is submitted at least twenty-
25 one (21) days or more before the expiration of the subject deadlines.

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28 ¹ Defendant ATU Local 1637 has been dismissed from this action pursuant to Court Order entered
September 30, 2021, ECF No. 62.

1 **A. Statement Of Discovery Completed To Date.**

2 To date, Plaintiff has propounded six (6) sets of written discovery requests to Defendant.
 3 Defendant is in the process of responding to the remaining requests. Defendant has propounded
 4 interrogatories and requests for production of documents, to which Plaintiff responded, in part, and is
 5 providing the remaining responsive documents and written answers. The parties are actively engaged
 6 in the meet and confer process to address. The parties have exchanged initial disclosures. The parties
 7 have supplemented their disclosures and continue supplementing discovery responses. Depositions of
 8 30(b)(6) representatives and additional representatives of Defendants are being scheduled, pending
 9 availability of all counsel and the deponents identified. The scope of the 30(b)(6) topics are subject
 10 to the meet and confer process. The scope of discovery requests and responses are also being
 11 evaluated in light of the Court's dismissal of the Union from this action on September 30, 2021, which
 12 necessitates a narrowing of the topics identified in the 30(b)(6) deposition notices as well as any
 13 supplemental responses to discovery.

14 **B. Statement Of Discovery That Remains To Be Completed.**

15 Defendant is in the process of responding to the remaining 2 of the 6 sets of written discovery
 16 propounded by Plaintiff. The parties are scheduling depositions and discussing 30(b)(6) topics. The
 17 parties are engaging in the meet and confer process concerning written discovery responses and
 18 deposition notices, including as the scope of the same relate to the Court's Order dismissing the Union
 19 and severance of Plaintiffs' claims.

20 **C. Reasons for Extension to Complete Discovery.**

21 The parties worked hard to preserve fees and costs while engaging in settlement negotiations,
 22 and previous attempts at resolution have stalled, but have re-commenced. Plaintiff was hospitalized,
 23 and the Union's local counsel's wife gave birth while the action remained pending against the Union,
 24 such that the parties have been mindful of each other's personal scheduling limitations in the short
 25 term. Further, the parties' two pending motions were recently granted by the Court – one that
 26 dismissed the Union entirely from the claims asserted by Plaintiff Harris (ECF No. 62, entered
 27 September 30, 2021), and one that severed Plaintiff's claims from his previous co-Plaintiff, Tania
 28 Khan (ECF No. 61, entered August 19, 2021) – which has warranted a shift in discovery strategy,

1 deposition requirements, and negotiation strategies. The parties have agreed that a mediation is most
 2 likely warranted in this matter. However, due to previously-scheduled trials involving both
 3 undersigned counsel and MVT's in-house counsel in other matters and jurisdictions, the forthcoming
 4 holiday season, and previously-scheduled travel plans, the parties are not confident that a mediation
 5 will be able to be set until January. Further, Plaintiff's counsel's law partner, the only other attorney
 6 in their firm, is currently managing a family crisis involving emergent hospitalization of his wife,
 7 requiring Plaintiff's counsel to manage all of the firm's cases for the foreseeable future. This extension
 8 is necessary to allow both parties sufficient time to complete remaining discovery, adjust to the Court's
 9 recent Orders of dismissal and severance, and schedule private mediation.

10 **D. Proposed New Discovery Schedule.**

11 Accordingly, based on the foregoing and for good cause appearing, the parties, by and through
 12 their respective counsel of record, do hereby stipulate and agree as follows:

- 13 1. The discovery in this matter shall be extended by one hundred twenty (120) days, and
 14 all discovery shall be completed by February 17, 2022.
- 15 2. The deadline to file dispositive motions shall be March 21, 2022.
- 16 3. If no dispositive motions are filed, the Joint Pretrial Order shall be filed on or before
 17 April 20, 2022. If dispositive motions are filed, the deadline for filing the joint pretrial order will be
 18 suspended until 30 days after decision on the dispositive motions or further court order.

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In accordance with Local Rule 26-3, any stipulation or motion for modification or extension of this discovery plan and scheduling order must be made at least twenty-one (21) days prior to the expiration of the subject deadline.

Dated this 27th day of October 2021.

By: /s/ Z. Kathryn Branson

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Dated this 27th day of October 2021.

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ORDER

IT IS SO ORDERED:


Clayton J. Zouchal
UNITED STATES MAGISTRATE JUDGE

DATED: **October 28, 2021**